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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Ru-el Sailor,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:22-CV-00660
)	
City of Cleveland, et al.)	
)	
Defendant.)	

- - -

Transcript of audio recorded jail call,
John Williams - Disk 2 - Call 617, between
Ru-El Sailor, Amy Sailor and Kyle Swenson, on
May 3, 2016 at 4:49 p.m.

- - -

EXHIBIT
J

PROCEEDINGS

AUTO ATTENDANT: For English -- please enter your seven digit -- please enter the area code and phone number you are calling now. Please hold. Please wait while your call is being connected.

Hello. This is a prepaid call from -- an inmate at the Ohio State Penitentiary. To accept this call press zero. To refuse this call -- your current balance is \$20.19. This call is from a correction facility and is subject to monitoring and recording.

Thank you for using GTL.

MR. SAILOR: Hey, did somebody call for Kathy today?

MS. SAILOR: No.

MR. SAILOR: They gonna call Friday this week, alright?

MS. SAILOR: Okay.

MR. SAILOR: Know if somebody owes me some money they gonna call Kathy to get the information on how to do it and shit.

MS. SAILOR: How does he want her to do it?

MR. SAILOR: I mean, I think they

1 be like mailing it. I ain't want them to be
2 going heavy on the phone and shit, so I'm
3 about having people call my girl, Kathy and
4 shit, and she'll give them the information.
5 Get your people information instead of doing
6 it over the jail call and shit.

7 MS. SAILOR: What information?

8 MR. SAILOR: Like the address and
9 shit. 'Cause these people be like sending
10 money orders and shit.

11 MS. SAILOR: So it's going to be a
12 money order?

13 MR. SAILOR: Yeah, but she can
14 tell her. Like, you know what I'm saying,
15 tell his mother like what name and what
16 address and shit.

17 MS. SAILOR: Like have her um
18 like, like the um, like the right one?

19 MR. SAILOR: Yeah.

20 MS. SAILOR: Alright. Alright, so
21 I'm about to call him --

22 AUTO ATTENDANT: This call is
23 originating from an Ohio correctional facility
24 and may be recorded and monitored.

25 MR. SAILOR: Hello?

1 MS. SAILOR: He's very laid back.
2 He's young. Try not to sound too uptight or
3 nervous and say um 500 times, okay?

4 MR. SAILOR: How about just like
5 shut the fuck up?

6 MS. SAILOR: Hold on (laughing).
7 Hello?

8 MR. SAILOR: Hello.

9 MR. SWENSON: Hey. Hey, El, how's
10 it going?

11 MR. SAILOR: I'm alright. Hey,
12 Kyle how you doin'?

13 MR. SWENSON: I'm good, I'm good.
14 Thanks for giving me a ring. I'm glad we
15 could hook up.

16 MR. SAILOR: Oh yeah, no, thank
17 you.

18 MR. SWENSON: Yeah, yeah. Well, I
19 appreciate it. Yeah, I um, listen I'm glad we
20 could talk and I've been reading about your
21 case and stuff and I'm still going to try to
22 get in to see you, hopefully schedule
23 permitting, but I thought we could just talk
24 now would be a good time to chat and kind of
25 get, you know, some thoughts from you and hear

1 your feelings about everything.

2 MR. SAILOR: Oh yeah, that's cool.

3 MR. SWENSON: Do you mind if I put
4 you -- is it cool if I record this? I'm going
5 to record this conversation; is that alright?

6 MR. SAILOR: I mean, it's fine
7 with me. Man, you doing me a favor so I'm all
8 for it.

9 MR. SWENSON: Cool. Well, I'm
10 going to put you on speaker phone real quick
11 on my end.

12 Can you guys hear me?

13 MR. SAILOR: Yeah, I can hear you.

14 MS. SAILOR: Yeah.

15 MR. SWENSON: Okay, perfect. Cool,
16 cool. Do we have a time limit now or do you
17 -- what's the situation?

18 MR. SAILOR: I can't hear you.

19 MS. SAILOR: We have about 12
20 minutes on this call, but we can hang up and
21 call back.

22 MR. SWENSON: Okay.

23 MS. SAILOR: They're 15 minutes
24 each.

25 MR. SWENSON: Okay, alright. 15

1 minutes each, alright. Well, El if you want
2 to -- so obviously I've read through most of
3 your trial and I've read the application with
4 conviction and integrity in it, so I kind of
5 know the basics of your case. Tell me from
6 your stand point what you remember about that
7 night? You know, what you guys were doing.
8 You know, kind of how everything went down
9 from your point of view.

10 MR. SAILOR: As far as I can
11 remember that night, you know I was kind of
12 mostly intoxicated that night with --

13 AUTO ATTENDANT: This all is
14 originating from an Ohio correctional facility
15 and may be recorded or monitored.

16 MR. SAILOR: -- for the most part
17 it was me, a group of friends, me, Cordell
18 Hubbard, Anthony Mackenzie, Bobby Nettles, a
19 couple more friends. We was all at the
20 (inaudible) bar first, a bar in our
21 neighborhood. We was there and we was having
22 drinks normally, like we do every weekend. So
23 we all had plans to leave there and go to the
24 next bar which was the 4U2B in Euclid, Ohio.

25 During the time at the 4U2B, I guess

1 Cordell got a call from his sister and he left
2 the 4U2B, him and his Will Sizemore left 4U2B,
3 and they went to go take care of whatever
4 happened with his sister. And I left 4U2B
5 with Bobby Nettles. And then later on, like
6 an hour or so after that, I got a call from
7 Cordell and I went and picked him up and then
8 we went to another bar, St. Aloysius. We went
9 to a party at St. Aloysius.

10 MR. SWENSON: Did you know he left?
11 When you guys were at the bar in Euclid, you
12 know he gets this call and he leaves. Was it
13 crowded and you lost site of him?

14 MR. SAILOR: It was a crowded bar.
15 So I didn't like, everybody don't be like
16 together side by side, shoulder to shoulder.
17 I didn't just realize he had left until it was
18 time to go, you know what I'm saying? I knew
19 he was goine. I knew he had left already.
20 And then I got a phone call as I was going to
21 drop Bobby Nettles off. I got a phone call
22 from him. And I went and picked him up so we
23 could ride together to St. Aloysius because
24 Bobby Nettles didn't want to go. So I picked
25 up Cordell and we rode to St. Aloysius

1 together.

2 MR. SWENSON: Did Cordell tell you
3 what had happened at that point?

4 MR. SAILOR: No.

5 MR. SWENSON: When did he fill you
6 in on what (inaudible)?

7 MR. SAILOR: We was already in the
8 County.

9 MR. SWENSON: Really, okay. Wow.
10 So roll it back for me though. So you pick
11 him up, was he agitated that night or upset?
12 I know you guys are -- you were best friends
13 right? You guys go way back.

14 MR. SAILOR: Yeah, like fourth
15 grade.

16 MR. SWENSON: So was he agitated or
17 does he seem upset or what was going on with
18 him when you picked him up?

19 MR. SAILOR: I really can't really
20 put a read on it because it was so long ago
21 and I barely, barely remember that night.
22 Because at one point, like, I didn't remember
23 the night in question because they had told me
24 so much time had passed before the incident
25 came about; you know what I'm saying? It

1 became a situation where it was like I was
2 told this is how the night went and that's
3 that. That being a regular routine for us and
4 doing this on the regular. It was like man,
5 remember that night we kicked it and we went
6 there and we went there.

7 So I was like yeah. You know what I'm
8 saying? Like alright I'm going take my best
9 friend's word for it. You know what I'm
10 saying? Like alright. That's what happened.
11 You know what I'm saying? But as time went
12 on, you know what I'm saying, it became
13 important for me to remember the details of
14 that night, you know what I'm saying? And I'm
15 talking to other people like, no, this is what
16 happened. He, like, listen that ain't what
17 happened, this is what happened. You know
18 what I'm saying?

19 MR. SWENSON: Yeah.

20 MR. SAILOR: And he's telling me
21 like man, this is what really happened. You
22 know what I'm saying? Then it all starts
23 coming back to me like man, yeah, okay. Now I
24 understand the details of what happened that
25 night.

1 MR. SWENSON: It was just another
2 night for you, right? Just another
3 (inaudible) --

4 MR. SAILOR: Yeah. Like you know
5 it's like if your friends meet every Sunday
6 for years, you know what I'm saying, to watch
7 football, and then your friend be like
8 remember the one Sunday? You going to be like
9 yeah, I remember. Because they all seem
10 normal.

11 MR. SWENSON: Sure. Yeah, no that
12 makes sense. That makes perfect sense.

13 So when did you find out that this
14 crime had happened, that this guy got killed?

15 MR. SAILOR: See I ain't -- they
16 part of town ain't like -- I mean they part of
17 the city ain't my neighborhood, so I never
18 heard anything about dude until it because a
19 situation with Cordell; you see what I'm
20 saying?

21 MR. SWENSON: Right, yeah. Sure.
22 So when Cordell -- so I know that Cordell gets
23 arrested and then you got roped in like six
24 months later, right, is when you were picked
25 up?

1 MR. SAILOR: Yeah, 'cause when
2 Cordell -- I was never like, I never knew I
3 was involved, period, because Cordell when he
4 got arrested, you know what I'm saying, he was
5 like man -- it was never like I was singled
6 out as being an alibi witness. I was never
7 like, it was like man I'm going to put you and
8 everybody else's name that we was at the bars,
9 you know what I'm saying? Bobby Nettles,
10 Anthony Mackenzie, like I'm going to put all
11 your names as a witness, man, for where I was
12 at that night. So I'm like alright, bet,
13 sure. You know what I'm saying, ain't no
14 doubt about it. Yeah. Like --

15 MR. SWENSON: Yeah.

16 MR. SAILOR: I'm the last person
17 he was with that night, so of course he had to
18 put my name on there. Like you know what I'm
19 saying? He's my best, of course, go ahead.
20 You know what I'm saying?

21 MR. SWENSON: Right.

22 MR. SAILOR: When it came about he
23 had bonded out on this case. He was held on
24 bond and he was going back and forth to court,
25 and far as to my knowledge everything was good

1 because they didn't have any witness --

2 AUTO ATTENDANT: This call is
3 originating from an Ohio correctional facility
4 and may be recorded or monitored.

5 MR. SAILOR: They didn't have any
6 witnesses. They didn't have any evidence or
7 none of this. So it was like, they was going
8 to throw, far as to my knowledge, he came and
9 told me they was going to throw the whole case
10 out because they had lack of evidence and lack
11 of witnesses. And then out of the blue, I got
12 arrested. You know what I'm saying? When
13 they came to my mother's house looking for me
14 and so when I finally turned myself in, you
15 know what I'm saying? I had a warrant for a
16 homicide, so I turned myself in and it was
17 like they was looking for me for that
18 incident. I'm like that's impossible, you
19 know what I'm saying? Like I ain't been
20 nowhere near there. I don't even go over
21 there, you know what I'm saying?

22 MR. SWENSON: Yeah. So tell me
23 about that, though, I mean, because that's got
24 to be a trip you know to all of a sudden hear
25 that they're looking for you. So tell me how

1 that went down?

2 MR. SAILOR: Yeah, my mother -- it
3 was like late March and it was a -- I remember
4 because it was a Friday morning and my mother
5 had called me because I didn't stay with her.
6 But her address was still on file for me being
7 my address so she called me. She was, like,
8 police ran into her house and they was looking
9 for me. So I was like, did they like, you
10 know what I'm saying, 'cause I was into the
11 streets. So I'm thinking like they ran into
12 her house far as what I was into in the
13 streets, you know what I'm saying? But my
14 lifestyle, but she, like, they didn't tear her
15 house up looking for nothing. They was just
16 looking for a person; you know what I'm
17 saying? So I'm like they weren't looking for
18 drugs or a gun. They just came looking for a
19 person.

20 So I'm like, she's, like, they said
21 something about some murder. You need to call
22 your lawyer. At the time I had a lawyer
23 already retained for another case I had, so I
24 called him. He like, he had been notified
25 that I had a warrant for a homicide and I need

1 to turn myself in as soon as possible.

2 So I was like -- he's like that's all I could
3 tell you right now. And I'm like man, I don't
4 know nothing about no homicide or nothing like
5 that so I didn't know what to do. So by me
6 having another case pending, I said, I'm just
7 going to go to Court with the case I got
8 pending and if they keep me, they keep me;
9 you know what I'm saying?

10 So I went to court and they didn't keep
11 me. Then I had another court date. I went to
12 that court date and that's when they kept me
13 in Cuyahoga County. They didn't even like --
14 my lawyer was there with me when I first went
15 to questioning. Like they came to arrest me
16 and my lawyer went with me the whole way to
17 questioning and they didn't even give me a
18 full interview, like a murder investigation
19 interview. They asked me, like what was my
20 nickname, how much I weigh, how tall am I and
21 what kind of car do I drive. And then my
22 lawyer was like man, my lawyer was like is
23 that it? Is you all going to arrest him or
24 not? So they was like yeah, they going to
25 arrest me. And that was the only time I ever

1 talked to the detectives ever dealing with
2 this case, period, for like five minutes.
3 They -- for me to be a principal offender in
4 their homicide or murder investigation, they
5 never even tried to like get no information
6 out of me or nothing. They asked me like four
7 or five questions and charged me and here I
8 am.

9 MR. SWENSON: Wow.

10 MR. SAILOR: You know what I'm
11 saying, they never even asked me about the
12 night in question or where was I at or what
13 was I doing. None of that. Like they just
14 asked me my name, my name and my car, my
15 height, my age, my weight. And that was it.
16 It was like they arrested me, put me in the
17 County. That was April 2, 2003. Like I've
18 been in prison ever since.

19 AUTO ATTENDANT: This call is
20 originating from an Ohio correctional facility
21 and may be recorded or monitored.

22 MR. SWENSON: Did you ask for who
23 (inaudible) you -- when you first heard that
24 they were looking for you from your mom, did
25 you think that it was this thing with Cordell

1 or did you think -- I mean, did that like set
2 that alarm off in your head or what did you
3 think?

4 MR. SAILOR: Yeah, my lawyer had
5 told me afterwards like, it's, you know what
6 I'm saying, it's about this thing about Omar
7 Clark and Cordell Hubbard, you know what I'm
8 saying?

9 MR. SWENSON: Uh-huh, yeah.

10 MR. SAILOR: He's like they sayin'
11 that you was there, you know what I'm saying?
12 I'm like no, I wasn't there. I don't know
13 nothing about that I wasn't nowhere near
14 there, you know what I'm saying? And like, I
15 (unintelligible) innocent, you know what I'm
16 saying, and I took it lightly, because I knew
17 I was innocent; you know what I'm saying. It
18 was like, man, I ain't do nothing. So, 'cause
19 my lawyer had something, man this is some
20 heavy stuff and I'm like, man, it ain't heavy
21 because I ain't did nothing. Like I'm
22 thinking it was -- by me not ever going
23 through that, I'm thinking it's going to be
24 I'm gonna walk in there, and they going to
25 look at me, and be like, oh yeah, that ain't

1 our guy and let me go. You know what I'm
2 saying?

3 MR. SWENSON: Yeah.

4 MR. SAILOR: But it wasn't nothing
5 like that. They already had their mind made
6 up, you know what I'm saying?

7 MR. SWENSON: Yeah, for sure. So
8 did you -- just tell me a little bit about the
9 trial.

10 AUTO ATTENDANT: You have one minute
11 remaining.

12 MR. SAILOR: The trial was
13 ridiculous. The trial was something unheard
14 of, man.

15 MR. SWENSON: I mean, I see it from
16 the stuff they ask you when they got you on
17 the stand -- I mean it's like crazy stuff that
18 I'm surprised --

19 MR. SAILOR: Yeah, the whole set
20 up was just -- it was crazy from the
21 beginning. Like, it was like, we was against
22 all odds from the beginning, you know what I'm
23 saying? Like it was us against them from the
24 beginning. If you read it you would notice
25 the judge denied every single motion that the

1 defense brought up from the beginning to the
2 end of that trial. She never gave the defense
3 a break at all. Everything they tried to do
4 she just denied everything. You know what I'm
5 saying?

6 MR. SWENSON: Right. Did you guys
7 try to get -- did you ever try to get a
8 separate trial, like could you and Cordell be
9 tried --

10 MR. SAILOR: Yeah, she denied it.

11 MR. SWENSON: Yeah, they denied it,
12 okay.

13 MR. SAILOR: It was like that was
14 a hindrance, us being tried together was a
15 hindrance on my behalf --

16 MR. SWENSON: Well, yeah.

17 MR. SAILOR: Because, like Clark
18 Williams, one of the main witnesses that was
19 with Omar Clark --

20 AUTO ATTENDANT: Thank you for using
21 GTL.

22 (End of recording.)

23 - - -

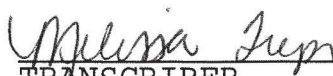
24

25

1 State of Ohio,)
2 County of Cuyahoga.) SS:
3

4 C E R T I F I C A T E
5

6 I, Melissa Tripi, do hereby certify
7 that I have transcribed the proceedings
8 of the jail call between Ru-El Sailor,
9 Amy Sailor, and Kyle Swenson, recorded on
10 May 3, 2016; and that the foregoing is a true
11 and accurate transcript made to the best of my
12 ability.
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		7:3		
\$	B	case (8) 4:21;6:5;11:23; 12:9;13:23;14:6,7; 15:2	defense (2) 18:1,2	file (1) 13:6
\$20.19 (1) 2:10	back (6) 4:1;5:21;8:10,13; 9:23;11:24	Cause (4) 3:9;11:1;13:10; 16:18	denied (4) 17:25;18:4,10,11	fill (1) 8:5
A	balance (1) 2:10	charged (1) 15:7	details (2) 9:13,24	finally (1) 12:14
accept (1) 2:9	bar (6) 6:20,20,24;7:8,11, 14	chat (1) 4:24	detectives (1) 15:1	find (1) 10:13
address (4) 3:8,16;13:6,7	barely (2) 8:21,21	city (1) 10:17	digit (1) 2:3	fine (1) 5:6
afterwards (1) 16:5	bars (1) 11:8	Clark (3) 16:7;18:17,19	doin' (1) 4:12	first (3) 6:20;14:14;15:23
against (2) 17:21,23	basics (1) 6:5	code (1) 2:4	doubt (1) 11:14	five (2) 15:2,7
age (1) 15:15	became (2) 9:1,12	coming (1) 9:23	down (2) 6:8;13:1	football (1) 10:7
agitated (2) 8:11,16	beginning (4) 17:21,22,24;18:1	connected (1) 2:6	drinks (1) 6:22	forth (1) 11:24
ago (1) 8:20	behalf (1) 18:15	conversation (1) 5:5	drive (1) 14:21	four (1) 15:6
ahead (1) 11:19	best (3) 8:12;9:8;11:19	conviction (1) 6:4	drop (1) 7:21	fourth (1) 8:14
ain't (11) 3:1;9:16;10:15,16, 17;11:13;12:19; 16:18,20,21,25	bet (1) 11:12	cool (5) 5:2,4,9,15,16	drugs (1) 13:18	Friday (2) 2:18;13:4
alarm (1) 16:2	bit (1) 17:8	Cordell (13) 6:17;7:1,7,25;8:2; 10:19,22,22;11:2,3; 15:25;16:7;18:8	dude (1) 10:18	friend (1) 10:7
alibi (1) 11:6	blue (1) 12:11	correction (1) 2:11	During (1) 6:25	friends (4) 6:17,19;8:12;10:5
Aloysius (4) 7:8,9,23,25	Bobby (5) 6:18;7:5,21,24; 11:9	correctional (4) 3:23;6:14;12:3; 15:20	E	friend's (1) 9:9
alright (10) 2:18;3:20,20;4:11; 5:5,25;6:1;9:8,10; 11:12	bond (1) 11:24	County (3) 8:8;14:13;15:17	El (2) 4:9;6:1	fuck (1) 4:5
Anthony (2) 6:18;11:10	bonded (1) 11:23	couple (1) 6:19	else's (1) 11:8	full (1) 14:18
application (1) 6:3	break (1) 18:3	course (2) 11:17,19	end (3) 5:11;18:2,22	G
appreciate (1) 4:19	brought (1) 18:1	court (5) 11:24;14:7,10,11, 12	English (1) 2:2	gave (1) 18:2
April (1) 15:17	C	crazy (2) 17:17,20	enter (2) 2:3,3	gets (2) 7:12;10:22
area (1) 2:4	call (22) 2:6,7,9,10,11,15, 17,21;3:3,6,21,22; 5:20,21;7:1,6,12,20, 21;12:2;13:21;15:19	crime (1) 10:14	Euclid (2) 6:24;7:11	girl (1) 3:3
arrest (3) 14:15,23,25	called (3) 13:5,7,24	crowded (2) 7:13,14	even (5) 12:20;14:13,17; 15:5,11	giving (1) 4:14
arrested (4) 10:23;11:4;12:12; 15:16	calling (1) 2:4	current (1) 2:10	everybody (2) 7:15;11:8	glad (2) 4:14,19
ATTENDANT (7) 2:2;3:22;6:13; 12:2;15:19;17:10; 18:20	came (6) 8:25;11:22;12:8, 13;13:18;14:15	Cuyahoga (1) 14:13	evidence (2) 12:6,10	goine (1) 7:19
AUTO (7) 2:2;3:22;6:13; 12:2;15:19;17:10; 18:20	can (5) 3:13;5:12,13,20; 6:10	D	F	gonna (3) 2:17,21;16:24
	car (2) 14:21;15:14	date (2) 14:11,12	facility (5) 2:11;3:23;6:14; 12:3;15:20	good (4) 4:13,13,24;11:25
	care (1)	dealing (1) 15:1	far (4) 6:10;11:25;12:8; 13:12	grade (1) 8:15
			favor (1) 5:7	group (1) 6:17
			feelings (1) 5:1	GTL (2) 2:13;18:21
				guess (1) 6:25
				gun (1) 13:18

guy (2) 10:14;17:1	inmate (1) 2:8	13:22,22;14:14,16, 22,22;16:4,19	3:24;6:15;12:4; 15:21	notified (1) 13:24
guys (6) 5:12;6:7;7:11;8:12, 13;18:6	innocent (2) 16:15,17	leave (1) 6:23	monitoring (1) 2:12	nowhere (2) 12:20;16:13
H	instead (1) 3:5	leaves (1) 7:12	months (1) 10:24	number (1) 2:4
hang (1) 5:20	integrity (1) 6:4	left (6) 7:1,2,4,10,17,19	more (1) 6:19	O
happened (9) 7:4;8:3;9:10,16,17, 17,21,24;10:14	interview (2) 14:18,19	lifestyle (1) 13:14	morning (1) 13:4	obviously (1) 6:2
head (1) 16:2	into (4) 13:8,10,11,12	lightly (1) 16:16	most (2) 6:2,16	odds (1) 17:22
hear (5) 4:25;5:12,13,18; 12:24	intoxicated (1) 6:12	limit (1) 5:16	mostly (1) 6:12	off (2) 7:21;16:2
heard (2) 10:18;15:23	investigation (2) 14:18;15:4	listen (2) 4:19;9:16	mother (3) 3:15;13:2,4	offender (1) 15:3
heavy (3) 3:2;16:20,20	involved (1) 11:3	little (1) 17:8	mother's (1) 12:13	Ohio (6) 2:8;3:23;6:14,24; 12:3;15:20
height (1) 15:15	J	long (1) 8:20	motion (1) 17:25	Omar (2) 16:6;18:19
held (1) 11:23	jail (1) 3:6	look (1) 16:25	MRSWENSON (1) 11:15	one (5) 3:18;8:22;10:8; 17:10;18:18
Hello (4) 2:7;3:25;4:7,8	judge (1) 17:25	looking (9) 12:13,17,25;13:8, 15,16,17,18;15:24	much (2) 8:24;14:20	only (1) 14:25
Hey (4) 2:14;4:9,9,11	K	lost (1) 7:13	murder (3) 13:21;14:18;15:4	order (1) 3:12
hindrance (2) 18:14,15	Kathy (3) 2:15,21;3:3	M	myself (3) 12:14,16;14:1	orders (1) 3:10
hold (2) 2:5;4:6	keep (3) 14:8,8,10	Mackenzie (2) 6:18;11:10	N	originating (4) 3:23;6:14;12:3; 15:20
homicide (4) 12:16;13:25;14:4; 15:4	kept (1) 14:12	mailing (1) 3:1	name (5) 3:15;11:8,18; 15:14,14	out (6) 10:13;11:6,23; 12:10,11;15:6
hook (1) 4:15	kicked (1) 9:5	main (1) 18:18	names (1) 11:11	over (2) 3:6;12:20
hopefully (1) 4:22	killed (1) 10:14	makes (2) 10:12,12	near (2) 12:20;16:13	owes (1) 2:20
hour (1) 7:6	kind (5) 4:24;6:4,8,11; 14:21	Man (13) 5:7;9:4,21,23;11:5, 7,11;14:3,22;16:18, 19,20;17:14	need (2) 13:21,25	P
house (4) 12:13;13:8,12,15	knew (4) 7:18,19;11:2;16:16	March (1) 13:3	neighborhood (2) 6:21;10:17	part (3) 6:16;10:16,16
how's (1) 4:9	knowledge (2) 11:25;12:8	may (4) 3:24;6:15;12:4; 15:21	nervous (1) 4:3	party (1) 7:9
Hubbard (2) 6:18;16:7	Kyle (1) 4:12	mean (7) 2:25;5:6;10:16; 12:23;16:1;17:15,17	Nettles (5) 6:18;7:5,21,24; 11:9	passed (1) 8:24
I	L	meet (1) 10:5	next (1) 6:24	pending (2) 14:6,8
important (1) 9:13	lack (2) 12:10,10	mind (2) 5:3;17:5	nickname (1) 14:20	Penitentiary (1) 2:8
impossible (1) 12:18	laid (1) 4:1	minute (1) 17:10	night (14) 6:7,11,12;8:11,21, 23;9:2,5,14,25;10:2; 11:12,17;15:12	people (4) 3:3,5,9;9:15
inaudible (4) 6:20;8:6;10:3; 15:23	last (1) 11:16	minutes (4) 5:20,23;6:1;15:2	none (2) 12:7;15:13	perfect (2) 5:15;10:12
incident (2) 8:24;12:18	late (1) 13:3	mom (1) 15:24	normal (1) 10:10	period (2) 11:3;15:2
information (5) 2:22;3:4,5,7;15:5	later (2) 7:5;10:24	money (3) 2:21;3:10,12	normally (1) 6:22	permitting (1) 4:23
	laughing (1) 4:6	monitored (4)	notice (1) 17:24	person (3)
	lawyer (8)			

11:16;13:16,19 phone (5) 2:4;3:2;5:10;7:20, 21 pick (1) 8:10 picked (5) 7:7,22,24;8:18; 10:24 plans (1) 6:23 please (4) 2:2,3,5,5 point (4) 6:6,9;8:3,22 police (1) 13:8 possible (1) 14:1 prepaid (1) 2:7 press (1) 2:9 principal (1) 15:3 prison (1) 15:18 PROCEEDINGS (1) 2:1 put (7) 5:3,10;8:20;11:7, 10,18;15:16	remaining (1) 17:11 remember (9) 6:6,11;8:21,22;9:5, 13;10:8,9;13:3 retained (1) 13:23 ride (1) 7:23 ridiculous (1) 17:13 right (8) 3:18;8:13;10:2,21, 24;11:21;14:3;18:6 ring (1) 4:14 rode (1) 7:25 roll (1) 8:10 roped (1) 10:23 routine (1) 9:3	2:22;3:2,4,6,9,10, 16 shoulder (2) 7:16,16 shut (1) 4:5 side (2) 7:16,16 single (1) 17:25 singled (1) 11:5 sister (2) 7:1,4 site (1) 7:13 situation (3) 5:17;9:1;10:19 six (1) 10:23 Sizemore (1) 7:2 somebody (2) 2:14,20 soon (1) 14:1 sound (1) 4:2 speaker (1) 5:10 St (4) 7:8,9,23,25 stand (2) 6:6;17:17 starts (1) 9:22 State (1) 2:8 stay (1) 13:5 still (2) 4:21;13:6 streets (2) 13:11,13 stuff (4) 4:21;16:20;17:16, 17 subject (1) 2:12 sudden (1) 12:24 Sunday (2) 10:5,8 Sure (4) 10:11,21;11:13; 17:7 surprised (1) 17:18 SWENSON (28) 4:9,13,18;5:3,9,15, 22,25;7:10;8:2,5,9, 16;9:19;10:1,11,21; 11:21;12:22;15:9,22;	16:9;17:3,7,15;18:6, 11,16 T talk (2) 4:20,23 talked (1) 15:1 talking (1) 9:15 tall (1) 14:20 tear (1) 13:14 telling (1) 9:20 Thanks (1) 4:14 thinking (3) 13:11;16:22,23 though (2) 8:10;12:23 thought (1) 4:23 thoughts (1) 4:25 throw (2) 12:8,9 times (1) 4:3 today (1) 2:15 together (4) 7:16,23;8:1;18:14 told (4) 8:23;9:2;12:9;16:5 took (1) 16:16 town (1) 10:16 trial (6) 6:3;17:9,12,13; 18:2,8 tried (4) 15:5;18:3,9,14 trip (1) 12:24 Try (4) 4:2,21;18:7,7 turn (1) 14:1 turned (2) 12:14,16 U um (4) 3:17,18;4:3,19 unheard (1) 17:13 unintelligible (1) 16:15	up (13) 4:5,15;5:20;7:7,22, 25;8:11,18;10:25; 13:15;17:6,20;18:1 upset (2) 8:11,17 uptight (1) 4:2 using (2) 2:13;18:20 V view (1) 6:9 W wait (1) 2:5 walk (1) 16:24 warrant (2) 12:15;13:25 watch (1) 10:6 way (2) 8:13;14:16 week (1) 2:18 weekend (1) 6:22 weigh (1) 14:20 weight (1) 15:15 weren't (1) 13:17 what's (1) 5:17 whole (3) 12:9;14:16;17:19 Williams (1) 18:18 witness (3) 11:6,11;12:1 witnesses (3) 12:6,11;18:18 word (1) 9:9 Wow (2) 8:9;15:9 Y years (1) 10:6 young (1) 4:2 Z zero (1)
Q	S			
quick (1) 5:10	SAILOR (52) 2:14,16,17,19,20, 23,25;3:7,8,11,13,17, 19,20,25;4:1,4,6,8,11, 16;5:2,6,13,14,18,19, 23;6:10,16;7:14;8:4, 7,14,19;9:20;10:4,15; 11:1,16,22;12:5; 13:2;15:10;16:4,10; 17:4,12,19;18:10,13, 17 sayin' (1) 16:10 saying (36) 3:14;7:18;8:25;9:8, 10,11,12,14,18,22; 10:6,20;11:4,9,13,19, 20;12:12,15,19,21; 13:10,13,17;14:9; 15:11;16:6,8,11,14, 16,17;17:2,6,23;18:5 schedule (1) 4:22 seem (2) 8:17;10:9 sending (1) 3:9 sense (2) 10:12,12 separate (1) 18:8 set (2) 16:1;17:19 seven (1) 2:3 shit (7)			
R				
ran (2) 13:8,11 read (4) 6:2,3;8:20;17:24 reading (1) 4:20 real (1) 5:10 realize (1) 7:17 Really (4) 8:9,19,19;9:21 record (2) 5:4,5 recorded (4) 3:24;6:15;12:4; 15:21 recording (2) 2:12;18:22 refuse (1) 2:9 regular (2) 9:3,4				

2:9				
1				
12 (1) 5:19 15 (2) 5:23,25				
2				
2 (1) 15:17 2003 (1) 15:17				
4				
4U2B (5) 6:24,25;7:2,2,4				
5				
500 (1) 4:3				